

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:	§	
	§	
LAWRENCE E. CREED	§	CASE NO. 15-40892
	§	(Chapter 7)
	§	
DEBTOR	§	

MOTION TO CONVERT CASE BY PRIOR AGREEMENT

NOTICE

NO HEARING WILL BE CONDUCTED ON THIS APPLICATION UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS MOTION WITHIN TWENTY ONE (21) DAYS FROM DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH RESPONSE. IF NO RESPONSE IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF A RESPONSE IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING UNLESS IT DETERMINES THAT AN EVIDENTIARY HEARING IS NOT REQUIRED AND THAT THE COURT'S DECISION WOULD NOT BE SIGNIFICANTLY AIDED BY ORAL ARGUMENT. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR RESPONSE MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

TO THE HONORABLE BRENDA T. RHOADES, U.S. BANKRUPTCY JUDGE:

Christopher J. Moser, Trustee ("Trustee") by and through the proposed undersigned attorney files this MOTION TO CONVERT CASE BY PRIOR AGREEMENT ("Motion") as follows:

1. On May 14, 2015, Lawrence E. Creed, ("Debtor") filed with this Court a voluntary petition under Chapter 7 of the Bankruptcy Code.
2. Christopher J. Moser was appointed Chapter 7 Trustee of the Debtors' bankruptcy estate.

3. On September 14, 2015 this case was converted to Chapter 13.

4. As a condition to conversion and no opposition by the Trustee, an agreed order converting the case back to Chapter 7 if the Chapter 13 failed for any reason was, in fact, the September 14, 2015 order of conversion.

5. The Chapter 13 case was dismissed on December 4, 2015.

6. Chapter 7 Trustee Chris Moser requests that the Court enforce its September 14, 2015 order, attached as Exhibit "A" for all purposes, and convert the case back to Chapter 7 in all aspects.

WHEREFORE, PREMISES CONSIDERED, Trustee prays that the order of September 14, 2015 be enforced and the above captioned case be converted back to Chapter 7, and that Trustee be granted such other and further relief to which he may be justly entitled.

Respectfully submitted,

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By: /s/ Kelly B. Williamson
Kelly B. Williamson
State Bar No. 00785260

ATTORNEY FOR TRUSTEE
CHRIS MOSER

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served electronically where applicable, the foregoing, and on the attached matrix via regular U.S. mail, postage prepaid, on this December 15, 2015:

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/s/ Kelly B. Williamson
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